

REMARKS

Applicants respectfully request consideration of the subject application as amended herein. Claims 1-4, 6, 7, 10, 11, 13-16, 18-26, and 29-34 are rejected. In this amendment, claims 1, 15, 29 and 33 have been amended. New claims 35-36 have been added. No claims have been canceled. Therefore, claims 1-4, 6, 7, 10, 11, 13-16, 18-26, and 29-36 are presented for examination. Support for the claim amendments can be found, for example, at page 29, lines 22-27 of the present application.

Summary of Examiner Interview

Applicants thank the Examiner for granting an Examiner Interview on July 14, 2009. In the Examiner Interview, claim 29 and the references, and in particular U.S. Patent No. 7,265,779 (Sato) were discussed. It was agreed that Sato does not teach uploading a driver to an intermediate device (e.g., to a mobile phone). Examiner explained that he is interpreting the destination that is selected by a user of the camera in Sato as an application. Examiner indicated that the Sato reference may be overcome by further defining the term “application” in the claims.

Allowed Claims

Applicants thank Examiner for allowing claim 33 if rewritten as an independent claim with all limitations of the base claim from which it depends.

Summary of Rejections under 35 U.S.C. § 103(a)

Claims 1-3, 6, 31 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bateman et al., (U.S. Pub. No. 2002/0194414, hereinafter “Bateman”) in view of Sato et

al., (U.S. Patent No. 7,265,779, hereinafter “Sato”), further in view of Yamada et al., (U.S. Patent No. 6,239,837, hereinafter “Yamada”) and further in view of Terakado et al., (U.S. Pub. No. 2002/0001042, hereinafter “Terakado”).

Claims 4, 7, 10-11 and 13-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bateman in view of Sato in view of Yamada in view of Terakado and in further view of Okada (U.S. Patent No. 6,630,954, hereinafter “Okada”).

Claims 15, 18, 21-22, 25 and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bateman in view of Sato and further in view of Yamada.

Claims 16, 19-20, 23-24, and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bateman in view of Sato in view of Yamada and in further view of Okada.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman in view of Sato in view of Yamada in view of Terakado, and further in view of Takahashi, (U.S. Pub. No. 2002/0051065, hereinafter “Takahashi”).

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman in view of Sato in view of Yamada in view of Terakado in view of Takahashi and further in view of Jackel et al., (U.S. Pub. No. 2003/0133015).

Claims 1-4, 6, 7, 10, 11, 13-16, 18-26 and 31-34

Independent claim 1 as amended includes the language, “automatically sending a driver from the data capture device to the pipeline device and installing the driver on the pipeline device.” As acknowledged by the Examiner, none of Bateman, Yamada, Terakado, Takahashi, Okado or Jackel teach automatically uploading any software to a pipeline device. Sato is relied upon by the current Office Action as teaching this element.

Sato teaches that an external communications device (e.g., a mobile phone) enables a

digital camera to connect to a remote server. (Sato, col. 4, lines 55-63). In Sato, a user can select a desired communication connecting destination. The digital camera then communicates with the selected destination via the external communications device. (Sato, col. 5, lines 32-47).

The current Office Action has interpreted Sato's teaching of selecting a desired communication connecting destination as being the same as sending an application to the external communications device and installing the application on the external communications device. (Office Action, 06/10/2009, pages 25-26). However, when a user selects a destination, the digital camera of Sato is sending at most a configuration setting to the external communications device. The configuration setting is not a driver. The digital camera of Sato does not send a device driver to the external communications device. The Examiner has acknowledged in the Examiner Interview that Sato does not teach sending a device driver. Therefore, Sato does not provide the element of "automatically sending a driver from the data capture device to the pipeline device and installing the driver on the pipeline device," as found in claim 1, as amended.

Accordingly, Sato also fails to teach or suggest the features of claim 1 that are missing from Bateman, Yamada, Terakado, Okado and Jackel. Thus, these references fail to teach or suggest all of the features of independent claim 1 or its dependent claims.

As amended, claim 15 includes the language, "automatically sending a driver from the first device to the pipeline device and installing the driver on the pipeline device." As discussed above, the combination of Bateman, Yamada, Terakado, Okado, Jackel and Sato fails to teach or suggest sending a driver to a pipeline device, or installing the driver on the pipeline device. Accordingly, Applicants respectfully submit that claim 15 and its dependent claims are patentable over the combination of Bateman, Yamada, Terakado, Okado, Jackel

and Sato.

Applicants thus respectfully request that the rejections to claims 1 and 15, and their corresponding dependent claims, under 35 U.S.C. § 103(a) be withdrawn.

Claims 29, 30, 35 and 36

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman in view of Sato in view of Yamada in view of Terakado, and further in view of Takahashi. Regarding Sato, the current Office Action states that Sato teaches, “automatically sending at least one of a driver or an application from the data capture device to the host device and installing the at least one of the driver or the application on the host device, wherein the at least one of the driver or the application enables the host device to transfer the information.” Applicants respectfully disagree with this reading of Sato. Nevertheless, Applicants have amended claim 29 to further distinguish claim 29 from Sato.

The Examiner notes that none of Bateman, Yamada, Tarekado, and Takahashi teach “automatically sending at least one of a driver or an application from the data capture device to the host device and installing the at least one of the driver or the application on the host device, wherein the at least one of the driver or the application enables the host device to transfer the information. The Examiner relies on Sato to provide this feature.

As discussed above, Sato teaches sending at most a configuration setting from a digital camera to an external communications device. The configuration setting includes only data. The configuration setting is not executable on the communication device (e.g., it does not cause the communication device to perform indicated tasks according to encoded instructions). The digital camera of Sato does not send an application that is executable on the host device, or a device driver, to the external communications device. The Examiner has

acknowledged in the Examiner Interview that Sato does not send an executable application or a device driver. Therefore, Sato does not provide the element of “automatically sending at least one of a driver or an application that is executable on the host device,” as found in claim 29, as amended.

For these reasons, Applicants respectfully submit that Sato does not teach the features of claim 29, or its dependent claims, that are missing from the other cited references.

Newly added claim 35 includes the limitation, “automatically send at least one of a driver or an application that is executable on the host device from the data capture device to the host device and install the at least one of the driver or the application on the host device.” Accordingly, Applicants respectfully submit that claim 35 and its dependent claims are also patentable over the cited art for the same reasons that claim 29 is patentable.

Applicants thus respectfully request that the rejections to claims 29 and 35, and their claims under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

Applicants respectfully request the withdrawal of the rejections and submit that pending claims 1-4, 6, 7, 10, 11, 13-16, 18-26, and 29-36 are in condition for allowance. Applicants respectfully request reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Benjamin Kimes at (408) 720-8300.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such extension.

Respectfully submitted,
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